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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 JAMES PLAS SAMS,

12 Plaintiff,

13 v.

14 RALPH DIAZ, et al.,

15 Defendants.  
16

No. 2:20-CV-0568-JAM-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to  
18 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion, ECF No. 51, to consolidate  
19 actions.

20 In his motion, Plaintiff seeks to consolidate the instant action with Sams v.  
21 California Department of Corrections and Rehabilitation, et al., No. 2:21-CV-0408-DB. A review  
22 of the docket in Sams v. California Department of Corrections and Rehabilitation, et al. reflects  
23 that the matter was transferred to the United States District Court for the Central District of  
24 California on March 22, 2021. See ECF No. 5 in 2:21-CV-0408-DB. The transfer order states:  
25 "In this case, the claim arose in Riverside County, which is in the Central District of California."  
26 Id. at 2. As Defendants note in their opposition to Plaintiff's motion to consolidate, consolidate  
27 of actions pending in different districts is not appropriate. See Desire, LLC v. Manna Textiles,  
28 Inc., 986 F.3d 1253, 1272 (9th Cir. 2021). While it is possible for one action to be transferred

1 such that both are pending in the same district and such that consolidation could be considered,  
2 see id., the Central District has already denied transfer of Sams v. California Department of  
3 Corrections and Rehabilitation, et al. back to the Eastern District, see ECF No. 54 (Defendants'  
4 request for judicial notice).<sup>1</sup>

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Defendants' request for judicial notice, ECF No. 54, is granted; and
- 7 2. Plaintiff's motion to consolidate, ECF No. 51, is denied.

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9 Dated: February 14, 2022



DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE

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26 <sup>1</sup> **Error! Main Document Only.** The court may take judicial notice pursuant to  
27 Federal Rule of Evidence 201 of matters of public record. See U.S. v. 14.02 Acres of Land, 530  
28 F.3d 883, 894 (9th Cir. 2008). Thus, this court may take judicial notice of state court records, see  
Kasey v. Molybdenum Corp. of America, 336 F.2d 560, 563 (9th Cir. 1964), as well as its own  
records, see Chandler v. U.S., 378 F.2d 906, 909 (9th Cir. 1967).